UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,173	01/25/2002	Steven M. Stefanik	PALM-3779	5622

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/058,173	STEFANIK ET AL.	
	Examiner	Art Unit	
	LI B. ZHEN	2194	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 October 2010_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _46-49,51,54-58,61,70-73 and 76-78_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _46-49,51,54-58,61,70-73 and 76-78_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 46-49, 51, 54-58, 61, 70-73 and 76-78 are pending in the application.

Response to Arguments

2.   Applicant's arguments filed 10/25/2010 have been fully considered but they are

not persuasive. In response to the Non-Final Office Action mailed 06/22/2010, applicant

argues:

(1) Keskar teaches an intent to share is no more than indicating an intent to

share a "relevant item." This intent does not describe the item. Keskar does not teach

summary information of the actual file. (p. 7);

(2) In Keskar, a first user does not demark files to transfer, but rather indicates

items which are sharable. In other words, the first user is directing the file to no one user

in particular. (7); and

(3) The present invention as claimed is directed towards one user informing

another user of the executable files available on the first user's portable computer

system to be downloaded to the second user's portable computer system. Rodgers'

disclosure is limited to the transfer of information from a PDA to a desktop computer,

not from a portable computer to another portable computer as claimed. Rodgers

requires docking the PDA with the desktop to reconcile license data between the

systems. This teaches away from transferring demarked files between two portable

devices. (pp. 7 – 8)

As to argument (1), examiner respectfully disagrees and notes that Keskar teaches sending a sharable note from the sender to the recipient. The sharable note "include information pertaining to the descriptions and locations of the sharable item (col. 13, line 55 – col. 14, line 13). The sharable note in Keskar corresponds to the claimed "summary information" because the sharable note includes information pertaining to the descriptions and locations of the sharable item.

As to argument (2), examiner respectfully disagrees and submits that Keskar specifically discloses the first user directing the file to a second user. Keskar teaches the "automatic sharing database is utilized by user A when he/she wishes to automatically share information from the handheld device 200a to user B's handheld device 200b" (col. 3, lines 64 – col. 4, line 16). As discloses in Fig. 7 of Keskar, "In block P720, the sender's HSA beams the intent to share the relevant item along with the sender's user identification information, e.g., sender's UserID…In block P730, the handheld device of the recipient receives the beamed data and passes it to recipient's HSA" (col. 13, lines 21 – 38). When the sender beams the intent to share a relevant item (block P720), the beamed data (i.e. intent to share the relevant item) is directed to the intended recipient (block P730).

As to argument (3), examiner submits that Rodgers was relied on to teach the concept of application programs with limited functionality and licensing. In addition, examiner further submits that Rodgers teaches transferring information [To transmit a

copy of a piece of content to another consumer using a PDA, consumer "A" instructs the

content management program running in PDA 90, via a graphical user interface on the

screen 90S of the PDA to beam a copy of a specified piece of content. Upon receipt of

this instruction, the content management application running in the PDA 90 retrieves a

copy of the content 160, prepares licence data for that content, which in this case

includes the licence identifier DOI.sub.2QX.sub.p/T (the "T" denoting a temporary

licence status), metadata 202 and the hash 204 for the content, and bundles both into a

message 200 which is then transmitted via the wireless port 110 to the PDA 190 of a

consumer B; paragraph 0028] between a first user's portable computer system [PDA 90

of consumer "A"; paragraph 0028] and a second user's portable computer system [PDA

190 of consumer "B"; paragraph 0028].

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 46-49, 51, 55-58, 70-73 and 77-78 are rejected under 35 U.S.C. 103(a)**

as being unpatentable over U.S. Patent No. 6,832,242 to Keskar et al. [hereinafter

Keskar, previously cited] in view of "Synchronization Profile," Bluetooth

Specification Version 1.1 [hereinafter Bluetooth].

5.   As to claim 46, Keskar teaches a method of distributing software [shareable

items include executable files; col. 9, lines 48 – 65] between portable computer systems

[share information from the handheld device 200a to user B's handheld device 200b;

col. 3, line 63 – col. 4, line 17], the method comprising:

demarking files on a first portable computer system by a first user [block P710,

the sender, or the person wishing to share a relevant item(s), uses the HSA UI to initiate

the sending of the relevant item(s); col. 13, lines 20 – 55], the demarking indicating that

the demarked files are available for downloading by a second portable computer system

by a second user [block P720, the sender's HSA beams the intent to share the relevant

item along with the sender's user identification information; col. 13, lines 20 – 55],

wherein the files are executable files [shareable items include executable files; col. 9,

lines 48 – 65];

automatically transferring, from the first portable computer system to the second

portable computer system [block P720, Fig. 7; col. 13, lines 20 – 55], summary

information with respect to the demarked files, said summary information consisting of

descriptive information associated with said demarked files, the descriptive information

being devoid of the demarked files [sharable note may, for example, include information

pertaining to the descriptions and locations of the sharable item; col. 13, line 55 – col.

14, line 13];

displaying at least a portion of the transferred summary information at the second

portable computer system [recipient is prompted for guidance; col. 13, lines 50 – 55];

selecting, via a user interface [user interface 220; col. 4, lines 57 – 67], at least a

subset of the demarked tiles from the displayed portion of the transferred summary

information at the second portable computer system [allowing the recipient to have the

option to manually reject the item or accept the item; col. 13, lines 50 – 55];

receiving, at the second portable computer system, a download of the selected

ones of the demarked files from the first portable computer system in response to the

selecting via the user interface at the second portable computer system [message may

also prompt the recipient for guidance…In block P670, the HSA of the recipient accepts

the item(s) and attached information and places them in corresponding locations with

the appropriate attributes on the handheld device of the recipient; col. 13, lines 10 – 55];

and

wherein at least some of the selected ones of the demarked files are executable

files to be executed at the second portable computer system [shareable items include

executable files; col. 9, lines 48 – 65 and col. 1, lines 30 – 43]. Keskar teaches

automatically transferring summary information from the sender device to the recipient

device [sender's HAS beams the intent to share the relevant item; col. 13, lines 20 – 55

and sharable note may, for example, include information pertaining to the descriptions

and locations of the sharable item; col. 13, line 55 – col. 14, line 13] using the wireless

communication protocols such as Infrared data and Bluetooth. Keskar does not

specifically disclose automatically transferring data when the first portable computer

system and the second portable computer system are within a communication range

according to a communication protocol.

However, the Bluetooth discloses a known capability [pp. 403-404 and 414] that allows Bluetooth enabled devices to automatically transfer data when the devices are within the radio frequency proximity of each other. The profile covers the scenario for the use of a Bluetooth enable device to "automatically" start synchronization when a PDA enters the radio frequency proximity of the Bluetooth enabled device. The devices in Keskar have PDAs equipped with Bluetooth wireless port and they pass content to each other using the wireless port.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Keskar to include the features of Bluetooth. One of ordinary skill in the art would have been motivated to make the combination because using the Bluetooth wireless port of Keskar's PDAs to communicate with each other would allow the sender PDA to automatically transmit data through synchronization when the recipient PDA enter the radio frequency proximity of the sender PDA without requiring the users to perform additional work.

6.   As to claim 55, Keskar as modified teaches a portable computer system [col. 3, line 63 – col. 4, line 17 of Keskar] comprising:

        a bus [col. 2, lines 57 – 67 of Keskar];

        a processor coupled to the bus [col. 2, lines 57 – 67 of Keskar];

        a wireless transceiver coupled to the bus for transferring information to other computer systems [col. 3, lines 45 – 49 and col. 12, lines 20 – 25 of Keskar]; and

a memory coupled to the bus [col. 4, lines 17 – 38 of Keskar], wherein the

handheld computer system [col. 3, line 63 – col. 4, line 17 of Keskar] is configured to:

store demarked files, the demarked files being demarked by a first user [block

P710, the sender, or the person wishing to share a relevant item(s), uses the HSA UI to

initiate the sending of the relevant item(s); col. 13, lines 20 – 55 of Keskar] and being

available for downloading to a second portable computer system by a second user

[sender's HSA beams the intent to share the relevant item along with the sender's user

identification information; col. 13, lines 20 – 55 of Keskar], and

automatically transfer [block P720, Fig. 7; col. 13, lines 20 – 55 of Keskar], to the

second portable computer system, summary information with respect to the demarked

files [col. 13, line 55 – col. 14, line 13 of Keskar] when the second portable computer

system is within a communication range [pp. 403-404 and 414 of Bluetooth] of the

portable computer system according to a communication protocol [col. 12, lines 6 – 25

of Keskar], said summary information consisting of descriptive information associated

with said demarked files the descriptive information being devoid of the demarked files

[col. 13, line 55 – col. 14, line 13 of Keskar];

wherein at least one of the handheld computer system and a third computer

system is configured to download selected ones of the demarked files to the second

portable computer system in response to receiving a download request from the second

portable computer system [message may also prompt the recipient for guidance…In

block P670, the HSA of the recipient accepts the item(s) and attached information and

places them in corresponding locations with the appropriate attributes on the handheld

device of the recipient; col. 13, lines 10 – 55 of Keskar]; and

wherein at least some of the selected ones of the demarked files are executable

files to be executed at the second portable computer system [shareable items include

executable files; col. 9, lines 48 – 65 and col. 1, lines 30 – 43 of Keskar].

7.   As to claim 70, Keskar as modified teaches a portable computer system [col. 3,

line 63 – col. 4, line 17 of Keskar] comprising:

means for storing demarked files, the demarked files being demarked by a first

user [block P710, the sender, or the person wishing to share a relevant item(s), uses

the HSA UI to initiate the sending of the relevant item(s); col. 13, lines 20 – 55 of

Keskar] and being available for downloading [col. 13, lines 20 – 55 of Keskar] to a

second portable computer system by a second user [sender's HSA beams the intent to

share the relevant item along with the sender's user identification information; col. 13,

lines 20 – 55 of Keskar], and means for automatically transferring [block P720, Fig. 7;

col. 13, lines 20 – 55 of Keskar], to the second portable computer system, summary

information with respect to the demarked files [col. 13, line 55 – col. 14, line 13 of

Keskar] when the second portable computer system is within a communication range of

the portable computer system according to a communication protocol [pp. 403-404 and

414 of Bluetooth and col. 12, lines 6 – 25 of Keskar], said summary information

consisting of descriptive information associated with said demarked files, the descriptive

information being devoid of the demarked files [col. 13, line 55 – col. 14, line 13 of

Keskar];

means for downloading selected ones of the demarked files to the second

portable computer system in response to receiving a download request from the second

portable computer system [message may also prompt the recipient for guidance…In

block P670, the HSA of the recipient accepts the item(s) and attached information and

places them in corresponding locations with the appropriate attributes on the handheld

device of the recipient; col. 13, lines 10 – 55 of Keskar]; and

wherein at least one of the selected ones of the demarked files to be downloaded

by the means for downloading selected ones of the demarked files are executable files

to be executed at the second portable computer system [shareable items include

executable files; col. 9, lines 48 – 65 and col. 1, lines 30 – 43 of Keskar].

8.   As to claim 77, Keskar as modified teaches a method of distributing application

software between computer systems [col. 3, line 63 – col. 4, line 17 of Keskar], the

method comprising:

demarking files on a first computer system by a first user [block P710, the

sender, or the person wishing to share a relevant item(s), uses the HSA UI to initiate the

sending of the relevant item(s); col. 13, lines 20 – 55 of Keskar], the demarking

indicating that the demarked files are available for downloading from the first computer

system [col. 13, lines 20 – 55 of Keskar], wherein the demarked files are executable

files [shareable items include executable files; col. 9, lines 48 – 65 of Keskar];

automatically transferring, from the first computer system to the second portable

computer system [block P720, Fig. 7; col. 13, lines 20 – 55 of Keskar], descriptive

information associated with the demarked files, the descriptive information being devoid

of the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar] when the first

computer system enters into communication with the second computer system [pp. 403-

404 and 414 of Bluetooth];

displaying at least a portion of the transferred summary information at the second

portable computer system [recipient is prompted for guidance; col. 13, lines 50 – 55 of

Keskar];

selecting, via a user interface [user interface 220; col. 4, lines 57 – 67 of Keskar],

at least a subset of the demarked tiles from the displayed portion of the transferred

summary information at the second portable computer system [allowing the recipient to

have the option to manually reject the item or accept the item; col. 13, lines 50 – 55 of

Keskar];

receiving, at the second portable computer system, a download of the selected

ones of the demarked files from the first portable computer system in response to the

selecting via the user interface at the second portable computer system [message may

also prompt the recipient for guidance…In block P670, the HSA of the recipient accepts

the item(s) and attached information and places them in corresponding locations with

the appropriate attributes on the handheld device of the recipient; col. 13, lines 10 – 55

of Keskar]; and

wherein at least some of the selected ones of the demarked files are executable

files to be executed at the second portable computer system [shareable items include

executable files; col. 9, lines 48 – 65 and col. 1, lines 30 – 43 of Keskar].

9.   As to claim 47, Keskar as modified teaches the communication protocol is a

wireless communication protocol [col. 12, lines 5 – 25 of Keskar and pp. 403-404 and

414 of Bluetooth].

10.   As to claim 48, Keskar as modified teaches the wireless communication protocol

includes infrared light signaling [col. 12, lines 5 – 25 of Keskar].

11.   As to claim 49, Keskar as modified teaches communications between the first

portable computer system and the second portable computer system are direct [col. 12,

lines 5 – 42 of Keskar].

12.   As to claim 51, Keskar as modified teaches the selecting via the user interface

further comprises touching an area of a display screen of the second portable computer

system [user interface 220; col. 4, lines 57 – 67 of Keskar].

13.   As to claim 56, Keskar as modified teaches the communication protocol is a

wireless communication protocol [col. 12, lines 5 – 25 of Keskar and pp. 403-404 and

414 of Bluetooth].

14.   As to claim 57, Keskar as modified teaches the wireless communication protocol includes infrared light signaling [col. 12, lines 5 – 25 of Keskar].

15.   As to claim 58, Keskar as modified teaches the portable computer system is configured to communicate directly with the second portable computer system [col. 12, lines 5 – 42 of Keskar].

16.   As to claim 71, Keskar as modified teaches the communication protocol is a wireless communication protocol [col. 12, lines 5 – 25 of Keskar and pp. 403-404 and 414 of Bluetooth].

17.   As to claim 72, Keskar as modified teaches the wireless communication protocol includes infrared light signaling [col. 12, lines 5 – 25 of Keskar].

18.   As to claim 73, Keskar as modified teaches means for communicating directly with the second portable computer system [col. 12, lines 5 – 42 of Keskar].

19.   As to claim 78, Keskar as modified teaches the first and second computer systems enter into communication automatically when they are positioned within a communication range [col. 12, lines 5 – 25 of Keskar and pp. 403-404 and 414 of Bluetooth].

20.   **Claims 54, 61, and 76 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Keskar and Bluetooth and further in view of US 20020065732

A1 to Rodgers et al. [hereinafter Rodgers, previously cited].

21.   As to claim 54, Keskar as modified does not teaches the executable files include

one or more application files that have limited functionality or limited time of use.

However, Rodgers teaches executable files include one or more application files

that have limited functionality or limited time of use [licence states (e.g. indicative of a

time-limited licence, or licences that prevent sharing with peers may be provided);

paragraph 0022].

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to further modify the invention of Keskar and Bluetooth to include

the features of Rodgers. One of ordinary skill in the art would have been motivated to

make the combination because this allows the commercial distributor will be able to

determine, upon receipt of temporary licence data, from which full licence holder the

content originated. In the event that the temporary licence holder chooses to purchase a

copy of the content (thus converting the temporary licence into a full one) the

commercial distributor is then able to reward the full licence holder responsible for

transmitting the content. This provides one incentive for consumers to engage in a

process of lawful purchase of content, while at the same time benefiting the commercial

distributor who has an ad hoc sales force at their disposal [paragraph 0013 of Rodgers].

22.   As to claim 61, Keskar as modified teaches the executable files include one or more application files that have limited functionality or limited time of use [licence states (e.g. indicative of a time-limited licence, or licences that prevent sharing with peers may be provided); paragraph 0022 of Rodgers].

23.   As to claim 76, Keskar as modified teaches executable files include one or more application files that have limited functionality or limited time of use [licence states (e.g. indicative of a time-limited licence, or licences that prevent sharing with peers may be provided); paragraph 0022 of Rodgers].

Conclusion

24.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

25.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LI B. ZHEN whose telephone number is (571)272-3768.

The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hyung Sub Sough can be reached on 571-272-6799. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/
Primary Examiner, Art Unit 2194